



CrI.O.P.(MD) No.1278 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.02.2024

CORAM

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

CRL.O.P (MD) No.1278 of 2024

S.Valliammai @ Pavithra

...Petitioner

VS

1.R.Selvakumar

**2.The District Collector,
Sivagangai District.**

**3.The Superintendent of Police,
Sivagangai District.**

...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying, to direct the second Respondent to attach and to sell the property of the first Respondent and deposit the same to the Court concerned under Revenue Recovery Act, through the learned Family Court, Sivagangai, order dated on 10.08.2023 in M.C.No.26 of 2020.

For Petitioner : Mr.M.Prasanth
For R1 : Mr.M.Moovanthiran
For R2 and R3 :Mr.B.Thanga Aravindh
Government Advocate (crl.side)



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ORDER

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The Criminal Original Petition had been filed seeking a direction to direct the second Respondent to attach and to sell the property of the first Respondent and deposit the same to the Court concerned under Revenue Recovery Act.

2.The learned Counsel for the Petitioner submitted that the Petitioner is the wife of the absconding accused. As per the submission of the learned Counsel for the Petitioner, the husband of the Petitioner is evading to pay arrears of maintenance, as per the orders of the learned Judge, Family Court, Sivagangai. The learned Judge, Family Court, Sivagangai, had also issued orders for execution of warrant through the Police for attachment of properties both movable and immovable. Subsequently, the Petitioner had also filed a Petition before this Court to issue look out notice based on the passport particulars against the husband of the Petitioner, who is evading to appear before the Court and went to Malaysia.

3.The learned Government Advocate (Crl.side) on instructions from



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the Respondent Police submitted that as per the enquiry conducted by the Tahsildar, the second Respondent in this case does not own any independent property in his name. Also, the learned Government Advocate (Crl.side) submitted that the District Police have sent requisition letter regarding look out notice.

4.The learned Counsel for the Petitioner, however, submitted that the Petitioner had sought attachment of the property, even if it is a joint family property regarding undivided share of the second Respondent for the arrears of the maintenance as per the order of the Family Court, Sivagangai.

5.In the light of the submission made by the learned Government Advocate (crl.side), the District Collector, through his subordinates, is directed to attach the undivided share of the property owned by the family of the second Respondent towards payment of arrears of maintenance. Also, the Superintendent of Police, Sivagangai District, is directed to issue look out notice and to detain the second Respondent towards collection of arrears of maintenance.



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6.In the result, the ***Criminal Original Petition*** is allowed.

Internet :Yes/No
Index :Yes/No
NCC :Yes/No

28.02.2024

cmr

To

1.The Judge, Family Court, Sivagangai.

2.The District Collector,
Sivagangai District.

3.The Superintendent of Police,
Sivagangai District.



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SATHI KUMAR SUKUMARA KURUP, J.

cmr

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